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TO RUEHC/SECSTATE WASHDC PRIORITY 8340
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1611
RUEHNE/AMEMBASSY NEW DELHI 5094
RUEHUL/AMEMBASSY SEOUL 8692
RUEHKO/AMEMBASSY TOKYO 6261
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4110
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2076
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000848

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA -- 88GS DETAINEES SENTENCED, MOVED TO NEW
PRISON; ASSK STREET RE-OPENS, COMPOUND CLEANED UP

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

SUMMARY

11. (C) On October 29, a judge sentenced nine detained 88 Generation Students members, including Min Ko Naing and Ko Ko Gyi, to six months' imprisonment for contempt of court. Two days later, authorities moved the nine activists to a prison 80 miles south of Rangoon and postponed their trials for at least six months. Authorities arrested opposition lawyer Nyi Nyi Htwe in Rangoon on October 29 and also sentenced him to six months imprisonment for contempt. An arrest warrant has been issued for lawyer Saw Kyaw Kyaw Min, on the same charge. Meanwhile, in response to a request by Aung San Suu Kyi's lawyer, workers cleared fallen branches and other natural debris from the detained NLD leader's front yard this week. The cleanup followed the October 26 re-opening of two barriers that restricted access to the portion of University Avenue that runs in front of Aung San Suu Kyi's house. The NLD doubts these developments indicate any significant change in the regime's stance on ASSK's detention. End Summary.

88GS Detainees Sentenced for Contempt of Court

12. (C) Opposition lawyer U Aung Thein confirmed that on October 29 a judge sentenced nine detained 88 Generation Students members to six months' imprisonment for contempt of court. The judge charged the nine defendants with contempt during an October 29 hearing when - led by Min Ko Naing - they stood up in court and openly complained about the lack of due process in their trials. In addition to the six month sentence for contempt, the nine detainees - Min Ko Naing, Ko KO Gyi, Htay Kywe, Mya Aye, Phone Cho (aka Htay Win Aung), Hla Myo Naung, Aung Thu, Aung Naing, and Nyan Lin - all have several other criminal charges pending that could carry substantial prison time.

13. (C) U Aung Thein reported that on October 31 authorities moved these nine detainees from Insein prison in Rangoon to Ma U Bin prison in Irrawaddy Division, 80 miles south of Rangoon. U Aung Thein informed us that the detainees' trials on the other charges will be suspended until they have completed their six-month sentence. The opposition lawyer speculated that this step is an attempt by the regime to keep

these prominent detainees out of circulation until after the 2010 elections and predicted the regime may try to do the same with other detained activists.

Opposition Lawyer Arrested

¶4. (C) Opposition lawyer U Aung Thein confirmed that authorities arrested opposition lawyer Nyi Nyi Htwe in Rangoon on October 29. According to human rights activist Ko Maung Maung Lay, a judge sentenced Nyi Nyi Htwe to six months' imprisonment for contempt of court and issued an arrest warrant for another defense lawyer, Saw Kyaw Kyaw Min, on the same charge. U Aung Thein believed that these charges stem from complaints the two lawyers lodged about the lack of due process in their client's trials. The two lawyers represent 11 NLD youth from Hlaing Thar Yar township in Rangoon who were arrested in September for their alleged roles in a June 2007 pro-democracy protest.

ASSK'S Home

¶5. (C) Embassy staff and contacts observed workers clearing shrubs, fallen branches and other natural debris from Aung San Suu Kyi's (ASSK) front yard this week. According to NLD spokesman U Nyan Win, ASSK's lawyer U Kyi Win (aka Neville) requested authorities permit workers to clear the front yard of debris that provided a habitat for poisonous snakes and posed a safety hazard. Nyan Win told us contract laborers performed the work, not NLD members or government employees.

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We did, however, observe a police truck carting away some of the debris.

¶6. (SBU) The cleanup followed the October 26 re-opening of two barriers that restricted access to the portion of University Avenue that runs in front of Aung San Suu Kyi's house. RSO's police contacts report that the road will now be open to vehicular and pedestrian traffic from 6:00 am until 6:00 pm, which was the case until September 2007. Between September 2007 and October 26, police had prevented most vehicular traffic from passing in front of her home, including all U.S. Embassy vehicles. Contrary to some exile media reports, a police presence remains on the road, including in front of Aung San Suu Kyi's home, which is approximately 400 yards away from the US Embassy.

¶7. (C) The GOB has not provided an explanation for the change, although speculation about the regime's motive abounds. NLD spokesman Nyan Win doubts the move is a sign of any kind of significant political adjustment concerning ASSK's detention. However, other embassy contacts, including businessman U Ye "Roland" Htoon and his son-in-law Phone Win, who have connections to mid-level military officers, suggested to us the reopening of the barriers may signify that the regime wants to be seen as being more flexible regarding ASSK, perhaps in hopes of securing a December visit to Burma by UN Secretary General Ban Ki Moon. We replied that surely the payoff for a visit by SYG Ban will need to be more significant than that.

DINGER